

REMARKS

In response to the Examiner's suggestion at the top of page 3 of the office action, the Applicant has reviewed the Official Gazette notice dated November 22, 2005 and, based on a review of that material, the following principles appear:

1. The burden is on the office to set forth a *prima facie* rejection. See notice at page 8.
2. There are four *prima facie* statutory categories of inventions, including processes, machines, manufacturers, and compositions.
3. Exceptions to the statutory categories appear to be abstract ideas which are basically mathematical algorithms, natural phenomenon, or laws of nature.
4. The practical application of an abstract idea is patentable if it either transforms or produces a useful, concrete, and tangible result. The test is the final result achieved by the claimed invention. See page 10 of the OG notice. The tangible result, as applied to a process claim, requires that the claims set forth a practical application to produce a real world result. See page 11. Similarly, to achieve a concrete result, the process must be substantially repeatable. A mere computer program is descriptive material and, hence, non-statutory. See page 25.

Here, the claim calls for monitoring a temperature of a cache memory and a response to the detection of a temperature condition, transitioning the memory from a write back to a write through cache. The first test is whether or not the final result achieved is tangible. Clearly it is. It relates to a memory cache which is changed from write back to write through. Thus, clearly, a tangible result is achieved since, in response to monitoring the temperature, the cache is changed. It may even be said that a transformation occurs, which is the other possible practical application of an abstract idea. Certainly, the result is useful since, depending on the temperature, the cache can be placed in one or the other of two states. A practical application is set forth in the claim and there is no reason to believe that the process is not totally repeatable. A computer program is not merely set forth and, in fact, no computer program is ever set forth.

Therefore, reconsideration is requested.

The rejection of claim 13, on the same basis, is unsupportable since it claims a tangible medium of expression.

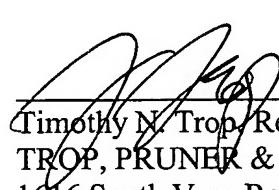
Likewise, the rejection of claim 26 seems to be unsupportable since it clearly claims an entire computer system.

Therefore, reconsideration is requested.

Respectfully submitted,

Date:

9/8/06



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